

PATENT

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Reinhart Boerner Van Deuren, s.c.

Dated: October 10, 2002

BY: Rodney D. DeKruif  
Rodney D. DeKruif

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OCT 15 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Streckfus et al.	) Group Art Unit : 1642
	)
Serial No: 09/914,501	) Examiner: Jennifer E. Hunt
	)
Filed: December 13, 2001	) Attorney Docket No. 4856-CIP
	)
For: METHOD OF DIAGNOSING AND MONITORING MALIGNANT BREAST CARCINOMAS	)

Commissioner of Patents and Trademarks  
Box Patent Application  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

On behalf of Applicant and pursuant to 37 C.F.R. § 1.97-.98, copies of listed patents and publications that may be relevant are listed on PTO Form 1449A. Copies of such listed patents and publications are not provided herein, as such documents were either submitted to or cited by the Office in conjunction with a prior application (U.S.

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Patent No. 6,294,349, issued on September 25, 2001), which was relied upon for priority under 35 U.S.C. § 120.

Respectfully submitted,

BY



Rodney D. DeKruif  
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Registration No. 35,853

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414-298-(8360)



Attorney's Docket No. 4856-CIP

PATENT

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In re application of: Streckfus, et al.

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For: METHOD OF DIAGNOSING AND MONITORING MALIGNANT BREAST  
CARCINOMAS

Commissioner for Patents  
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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE  
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF  
ALLOWANCE (37 CFR § 1.97(c))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a statement as specified in paragraph (e) of section 1.97 or the fee set forth in § 1.17(p).

**NOTE:** "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.10)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as Express Mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231, Express Mail No. EV132083287US, on October 10, 2002.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Rodney D. DeKruif

(type or print name of person certifying)

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

### TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
  - (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311,whichever occurs first.

### STATEMENT OR FEE

2. Accompanying this transmittal is  
(check either A or B below)  
A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).

### OR

- B. ☒ the fee set forth in 37 C.F.R. § 11.7(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

### FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$ 180.00

### METHOD OF PAYMENT OF FEE

4.

☒ Attached is a check in the amount of \$ 180.00.

☐ Charge Account No. 18-0882 in the amount of \$ \_\_\_\_\_.

A duplicate of this request is attached.

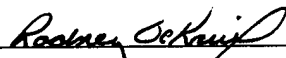
If any additional fees are due, please charge Account No. 18-0882.

Dated: October 10, 2002

Reg. No. 35,853

Tel. No.: (414) 298-8360

Customer No.: 22922

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY  
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